

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2002:

Present

Vote

Donald E. Wiggins, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
James S. Burgett
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ST-9-02
TO AMEND THE YORK COUNTY SUBDIVISION
ORDINANCE (CHAPTER 20.5, YORK COUNTY CODE) BY
REVISING SECTION 20.5-30(d) AND ADDING SECTION 20.5-
31.1 TO REFLECT RECENT CHANGES IN THE CODE OF
VIRGINIA

WHEREAS, the York County Planning Commission has sponsored Application No. ST-9-02, which proposes the amendment of various sections of the York County Subdivision Ordinance (Chapter 20.5, York County Code) to incorporate changes necessary to conform with the requirements of the Code of Virginia; and

WHEREAS, said application has been reviewed by the Planning Commission in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on the application and has recommended approval of the proposed amendments; and

WHEREAS, the Board has determined that it would be appropriate to approve the proposed amendments to ensure consistency with the Code of Virginia; and

NOW, THEREFORE, BE IT ORDAINED by the York County board of Supervisors this the ____ day of ____, 2002 that it does hereby approve Application No. ST-9-02 to amend the York County Subdivision Ordinance (Chapter 20.5, York County Code) as follows:

Sec. 20.5-30. Final plat.

- (d) Term of validity. ~~Except as otherwise provided for in section 15.1-466.A.8 of the Code of Virginia, the~~ subdivider shall have six (6) months from the date of official notification of approval of the final plat within which to have the record plat filed and recorded by the clerk of the circuit court. Failure to do so shall make approval null and void, and the subdivider shall, ~~in accordance with the above referenced section,~~ be required to return the approved copy of the final plat to the agent in order that it may be so marked. Reapproval shall require resubmission in full compliance with the regulations then in effect. ~~Where the conditions of section 15.1-466.A.8, Code of Virginia have been met, the agent, upon written request of the subdivider received no fewer than thirty (30) days prior to the plat becoming void, and with the concurrence, by resolution, of the board may grant additional extensions of the term for good cause shown. Where the subdivision involves the construction of facilities to be dedicated for public use and the subdivider has commenced the construction of such facilities with surety approved by the agent, or where the subdivider has furnished surety in accordance with Section 20.5-108 of this chapter, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement covering construction of required public improvements, whichever is greater.~~

20.5-31.1 Terms of Validity

- (a) Notwithstanding the provisions of Sections 20.5-28(d) and 29(d), if at the end of three (3) years from the date of approval of a preliminary plan a subdivider has not submitted a final subdivision plat, or has not diligently pursued approval of a submitted final plat, then the agent may, upon ninety (90) days written notice by certified mail to the subdivider, revoke the preliminary plan approval. Diligent pursuit of approval of the final subdivision plat shall mean that the subdivider has incurred extensive obligations and substantial expenses relating to the submitted final subdivision plat or modifications thereto. The agent's written notice shall

cite the specific facts upon which the revocation is based. In any event, when a final subdivision plat has been timely submitted but not approved the maximum term of validity for the associated preliminary plan shall be five years.

- b) Following the expiration or revocation of any preliminary plat pursuant to subsection (a) above, any subdivision plan considered for the subject property shall be submitted and processed in accordance with all applicable procedures for new submissions.
